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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,873	06/05/2001	Atul Puri	2001-0161	5987

7590 07/21/2004

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,873

Applicant(s)

PURI ET AL.

Examiner

Gims S Philippe

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-39 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This is a first office action in response to application no. 09/874,873 filed on June 5th 2001 in which claims 1-39 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 8-9, 28, and 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Apostolopoulos et al. (US Patent no. 6,404,814).

Regarding claims 1, 3-4, 8, 28, and 32-39, Apostolopoulos discloses an apparatus and system for content adaptive encoding of video comprising an extractor that divides the video content into temporal portions (See fig. 4A, item 155, col. 14, lines 33-36), a locator that associates descriptors to each portions based on portion content (See col. 15, lines 55-62), a mapper that maps each portion of the video content to a model from a plurality of models based on the portion descriptors (See col. 27, lines 1-16), a buffer for storing portions, the buffer having outputs connected to a switch (See col. 9, lines 45-53, col. 17, lines 44-51, and col. 38, lines 21-32), and a plurality of encoders, each encoder of the plurality of encoders configured to encode portions according to the model associated with the portion (See col. 15, lines 49-67, and col. 16, lines 4-13).

As per claims 2 and 9, the generic encoder is disclosed in Apoatolopoulos fig. 4A, item 157.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2613

4. Claims 10-16, 21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apostolopolous et al. (US Patent no. 6,404,814).

Regarding claims 10, 16-22, and 25-30, most of the limitations of these claims have been noted in the above rejection of claims 1, 8, 28, 32, and 36.

It is noted that although does not specifically calls for a human operator along with a switch to perform manual segment extraction as claimed.

However, in col. 12, lines 5-13, Apostolopoulos implicitly suggests a user interaction.

Therefore, one skilled in the art at the time of the invention would recognize the advantage of modifying the teachings of Apostolopoulos to provide a selection of a human operator for determining video segments from video inputs. The motivation for performing such change in Apostolopolous is to facilitate the manipulation of the individual objects in the picture.

As per claims 11-13, most of the limitations of these claims have been noted in the above rejection of claims 10, 17. In addition, the segmentation module operating on the object-based picture signal to extract the scene descriptor looks at the header to extract the scene descriptor, which interprets the information for determining the segments (See Apostolopoulos col. 16, lines 4-13).

As per claims 14-15, because Apostolopoulos provides object-based encoders as shown in fig. 4A, item 156; thus, the each extractor claimed is

considered met by the different object descriptors as disclosed in col. 15, lines 49-65.

As per claim 23, Apostolopoulos further provides the signal associated with the statistical analysis of the video content in col. 8, lines 12-16.

As per claim 24, since the storage unit 109 of fig. 3A is disclosed as being of more than one page, the different regions are understood as being the different pages. In addition, indexing is disclosed in col. 38, lines 21-31.

As per claim 31, the generic encoder is disclosed in Apostolopoulos fig. 4A, item 157.

5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakaya et al. (US Patent no. 5949484) teaches portable terminal for multimedia communication.

Art Unit: 2613

Krishnamurthy et al. (US Patent no. 6496607) teaches method and apparatus for region-based allocation of processing resources and control of input images formation.

Wine et al. (US Patent no. 6477201) teaches content-adaptive compression encoding.

Hourunranta et al. (US Patent no. 6704281) teaches bit-rate control in multimedia device.

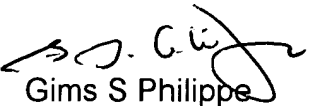
Lee et al. (US Patent no. 5946043) teaches video coding using adaptive coding of block parameters for coded/uncoded blocks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

July 14, 2004